

CERTIFICATE OF MAILING PURSUANT TO 37 CFR §1.8
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Commissioner for Patents, Washington D.C. 20231, on Aug 23, 2001

Rachel Hernandez
Rachel Hernandez

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

J. Gregor Sutcliffe et al.

Serial No: 09/766,396

Filed: January 18, 2001

For: **CORTISTATIN: NEURO-PEPTIDES,
COMPOSITIONS AND METHODS**

Docket No.: 22908-0002D1

) Examiner: Not Assigned

) Group Art Unit: 1647

) Customer No.: 25213

) **REQUEST TO RESCIND NOTICE TO COMPLY**
) **WITH REQUIREMENTS FOR PATENT**
) **APPLICATIONS CONTAINING NUCLEOTIDE**
) **SEQUENCE AND/OR AMINO ACID SEQUENCE**
) **DISCLOSURES**

Commissioner for Patents
Washington, D.C. 20231

Attached is a copy of the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures received from the U.S. Patent and Trademark Office (USPTO) in connection with the subject application.

Applicants respectfully request that the notice be rescinded due to a Patent Office error as evidenced on the Application Transmittal Letter filed with the original application on January 18, 2001, a copy of which is attached hereto. On page 3, number 9 of the Application Transmittal, Applicants specifically requested the use of the computer readable Sequence Listing on file in prior copending application Serial No. 08/857,389, filed May 15, 1997. Applicants also certified that the paper copy of the Sequence Listing enclosed with the subject application was identical to the computer readable copy as filed in the prior copending application.

No fee is due with this communication. The Commissioner is authorized to charge any additional fee which may be due and credit any overpayment to our Deposit Account No. 08-1641, referencing Docket No. 22908-0002D1.

Respectfully submitted,

By: William Schmonsees

William Schmonsees
Reg. No. 31,796

Heller Ehrman White & McAuliffe LLP
275 Middlefield Road
Menlo Park, CA 94025-3506
Direct Dial: (650) 324-7041
Facsimile: (650) 324-0638
Date: August 23, 2001

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Page 1 of 1
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/766,396	01/18/2001	J. Gregor Sutcliffe	22908-0002D1

William Schmonsees
Heller Ehrman White & McAuliffe
275 Middlefield Road
Menlo Park, CA 94025-3506

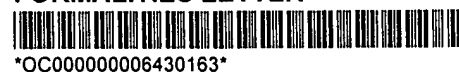
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HEWM LLP - P.A.

CONFIRMATION NO. 7291

FORMALITIES LETTER



OC000000006430163

Date Mailed: 08/15/2001

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

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*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

HEWM LLP - SV Office

PART 1 - ATTORNEY/APPLICANT COPY

Description

Due/Rmr

Final/Deadline

Initials

Sequence Listing Required
10-15-01
02-15-02
PR



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

J. Gregor Sutcliffe et al.

Serial No: Not Assigned

Filed: January 18, 2001

For: **CORTISTATIN: NEURO-
PEPTIDES, COMPOSITIONS
AND METHODS**

Docket No.: 22908-0002D1

) Examiner: Not Assigned

) Group Art Unit: Not Assigned

) Customer No.: 25213

) **REQUEST FOR FILING A DIVISIONAL
APPLICATION UNDER 37 C.F.R. §1.53(b)**

Express Mail Label No.: EL 731 830 979 US
Mailed in Palo Alto, CA on: January 18, 2001

BOX PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

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Sir:

This is a request for filing a divisional application under 37 C.F.R. § 1.53(b), of pending prior application Serial No. 08/857,389, filed May 15, 1997, which is a continuation-in-part of application Serial No. 08/648,322, filed May 15, 1996, of J. Gregor Sutcliffe, Luis de Lecea, Steven J. Henriksen, and George R. Siggins, for **CORTISTATIN: NEUROPEPTIDES, COMPOSITIONS AND METHODS**.

1. Enclosed is a true copy of the prior complete application as filed, including the specification (including claims), drawings, sequence listing, oath or declaration showing the signature or an indication it was signed, and any amendments referred to in the oath or declaration filed to complete the prior application.
2. This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above. With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. § 120, the inventor(s) in this application is (are):

/ X / the same.

/ less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:

3. X / The filing fees are to be calculated on the claims as filed in the prior application and the claims remaining as a result of the:

 X / amendment below;

 / attached Preliminary Amendment.

FILING FEE CALCULATION

Description	Claims	Extra	Rate	Fee Code	Fee
Basic Filing Fee				101	710
Independent Claims	3 - 3=	0 x	\$80 =	102	0
Total Claims	17 -20=	0 x	\$18 =	103	0

Total Filing Fee \$710

4. Payment of Filing Fees:

 X / A check in the amount of \$710, is enclosed herewith.

 X / The Commissioner is authorized to charge any additional fees and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 and §1.17, to Deposit Account No. 19-5431, referencing Docket No. 22908-0002D1. **A duplicate copy of this paper is attached.**

5. Please amend the specification by inserting on page 1, line 1, after the words, "This application is a", -- divisional of copending application Serial No. 08/857,389, filed May 15, 1997, which is hereby incorporated herein by reference, which is a --.
6. Please cancel in this application claims 1, 2, and 20, from prior copending application Serial No. 08/857,389, filed May 15, 1997.
7. The prior application is assigned of record to: The Scripps Research Institute
8. The power of attorney in the prior application is to: William Schmonsees
- X / The power appears in the original papers in the prior application.
- / A Power of Attorney and Revocation of Prior Powers is enclosed.

9. Applicants hereby requests the use of the compliant computer readable Sequence Listing that is already on file for prior copending application Serial No. 08/857,389, filed May 15, 1997. Applicants hereby certify that the paper copy of the Sequence Listing enclosed herewith is identical to the computer readable copy filed for prior copending application Serial No. 08/857,389, filed May 15, 1997.

10. Please address correspondence in this matter to:

**William Schmonsees
Heller Ehrman White & McAuliffe
275 Middlefield Road
Menlo Park, CA 94025-3506**

11. Documents enclosed:

/X/ Enclosed is a true copy of the prior complete application as filed, including the specification (including claims), drawings, sequence listing, oath or declaration showing the signature or an indication it was signed;

/X/ Check in the amount of \$710.

/X/ Return Receipt Postcard.

Respectfully submitted,

By: 

William Schmonsees
Attorney for Applicants
Registration No. 31,796

Heller Ehrman White & McAuliffe
275 Middlefield Road
Menlo Park, CA 94025-3506
Contact: Priscilla Mark
Direct Dial: (650) 324-7184
Facsimile: (650) 324-0638